

**Ravalli County Planning Board
Minutes for August 15, 2007
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting

Discussion with Ravalli County Road & Bridge Superintendent, David Ohnstad
Saddle Hills (Sardot) Major Subdivision and Two Variance Requests
Hamilton Heights, Block 13, Lots A-D, AP (Powell) Major Subdivision

1. Call to order

Chip called the meeting to order at 3:05 PM.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members present

Mary Lee Bailey (present)
Dale Brown (absent –not excused)
Phil Connelly (present)
Ben Hillicoss (present)
Dan Huls (present)
JR Iman (present)
Lee Kierig (present)
Maura Murray (absent – excused)
Chip Pigman (present)
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Karen Hughes
Renee Van Hoven
Jennifer DeGroot
Kimberli Imig

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from July 18, 2007.
There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

There was none.

6. Disclosure of Possible/Perceived Conflicts

There were none.

7. Public Meeting

(A) Discussion with County's Road & Bridge Superintendent, David Ohnstad

- (I) What is the status and timeline of a long-range road improvement plan for the County? (Staff sent a draft of the long-range road plans to the Planning Board via e-mail.)

David referred to the RCRBD Handout (Attachment B, RCRBD Seven Year Operating Program). The handout is a projected schedule for improvements as well as the policy for how projects are chosen.

- (II) Does the Road Department have lists of roads (or segments of roads) that meet County standards?

David stated not necessarily. In Ravalli County out of the 700 miles of roadway, probably 6-7 miles of that meet county standards. We are faced with an outdated system. It is the transportation department's goal to get the highways and roads up to standard. By up to standard we mean more than just laying asphalt but also addressing 2007 design safety standards.

Chip said that the problem that the board faces is that we do not know if a road meets standards or not.

David stated that it is safe to assume that any given road is NOT up to standards under the new regulations.

- (III) When the County upgrades roads, are they improving them to meet County standards? If not, why not? For those improvements that are completed that do not meet County standards, are they considered a form of maintenance instead?

David stated that the upgrades and improvements are usually not up to county standards unless there is an identified safety concern. When given a project the Road Department's goal is to improve the road to meet the standards, but that is just not always going to necessarily happen.

- (IV) Are there criteria utilized for how roads are to be upgraded? Are some things negotiated and some things standard and non-negotiable? (e.g., removal of trees in some places, but not others) How do you know what items are negotiable and what ones are not?

David stated that the criteria could be found in the Attachment B, Seven Year Operating Program.

- (V) Can the Planning Board see a map of the grader districts? (Staff is working on providing this to the Planning Board.)

- (VI) Why can't pro rata money collected be deposited into a special account and then spent on the road for which it was originally collected when sufficient funds have been collected?

David stated that first of all it is a matter of accounting. We would potentially have to have 300 different accounts. It would be plausible not efficient. Also, some accounts would only have a few thousand dollars in it and that is not enough money to make the improvements. Secondly, the collected funds are not for one road specifically. This money goes toward a collector road which more people are using as a whole more so than just to the private roads. Though this system is not perfect, it does seem to be working.

Lee stated that the pro-rata monies are kept in an account for the 5 different districts and when a road needs to be improved the money is there.

David answered yes.

Lee asked David how he calculates the pro-rata.

David replied that they have two different schedule fees. They are based on what repairs need to be done. Since this is different on every road, it is subjective, but it is reflective of the repairs and costs to get the road up to standards.

Phil stated that he understands the logic of pro-rata but what is the impact on public safety because it seems that if it is not important enough the work doesn't get done.

David responded that it seems that way because the money is being used on main roads. If a public road with higher use and a private road are both in need of repair, the road with the higher use will get priority.

JR said it appears that you are keeping the money for the grader public. Is there some process where you can change the plan? Is it possible to change a road's priority?

David replied that it depends on how the road fits into the county public roadway system.

Ben referred to Attachment B and asked what about Schedule A?

David said that Schedule A refers to the main roads. Schedule B refers to minor roadways that are under development and Schedule C refers to private roadways.

Ben asked about pavement preparation.

David said it involves doing a survey before construction. Basically it is the preparation work.

Ben stated that after looking at this briefly it looks like the road department has a plan to work on or maintain roads every 20 years.

David said ideally yes.

Bob asked if there is a Schedule C.

David replied that yes there is.

Les said that the Planning Board has received very serious public comment on things like Orchard Road and these things should be taken into consideration as to the alleviation of some of the problems. What has happened to our recommendations?

Renee said that the Planning Board's recommendations go to the Commissioners so David may not know anything about that yet.

Chip thanked **David** for joining us and answering questions.

(B) Saddle Hills (Sardot) Major Subdivision and Two Variance Requests

(i) Staff Report on the Subdivision

Renee gave an overview of the Staff Report (See Attachment C, Saddle Hills Staff Report) The staff recommendation was denial of Variance #1 and conditional approval of Variance #2 and the conditional approval of the Subdivision as well.

(ii) Presentation by Subdivider's Representative

Terry Nelson from Applebury Survey agreed with most of the Planning Staff's recommendations.

- Variance 1 – **Terry** stated that it should be approved because the county has the opportunity to create a safer road. The improvements to Upper Woodchuck Road will be completed by the applicant when it is supposed to be done by the county.

There are some small changes the applicant would like to see:

1. Pg. 8 item #5 – to have a \$500 contribution or land donation to the fire district. The Florence Fire Department is interested in a piece of property the applicant owns.
2. Pg. 9 item #15 and Page 5– This is dealing with Lot 20 and the future development restriction there needs to be consistency among the conditions.
3. Pg.9 item #17 – deals with the applicant improving the condition of Upper Woodchuck. Terry thinks that needs to be conditioned on the approval of Variance 2. The applicant should be allowed to use Variance 2 if it is approved. If Variance 1 is denied and Variance 2 is approved you have to look at the economics of it. It may not be possible for the applicant to make improvements to Upper Woodchuck Road and pay pro-rata on 8 Mile Creek Rd.
4. The applicant is proposing parkland dedication by creating a homeowner's park of 2.66 acres. The requirement is 1.84 acres. They are also setting aside an additional 3.7 acres of no – build/alteration zone. That equals approximately 6

acres compared to the 1.84 acre requirement so a cash donation should not be required in this case.

Jason Rice from Territorial-Landworks spoke about the Variances

Jason stated:

- The approval of Variance #2 seems obvious.
- Variance #1 has been explained as far as the common sense part. But if you get to the nuts and bolts the only thing we are changing is the use of the. The language says that funds will be deposited and spent in a grader district. The clients are proposing to provide valuable asset to the county within a grader district.
- The undue hardship is the fact that money will be put forward and the applicant wants to see actual improvements.
- Compliance on the roads is not essential to the public welfare. There have been 60 lots up Eight Mile area in the last two years and there have been no improvements. There have been improvements to roads nearby but none to Eight Mile Creek Road. The clients are not saying that they will not improve Eight Mile Creek Road, but that there is a greater need to improve Upper Woodchuck Road for the grader district.
- If Variance #1 is denied then improvements to Upper Woodchuck Road shall equal or exceed (I am just throwing a number out here) 125% of the pro-rata assessment for Upper Woodchuck Road and be constructed as a portion of approved road plans.

- (iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals

There were none.

- (iv) General Planning Board discussion and questions on the subdivision proposal and two variance requests

- (a) Board Discussion and Questions

Renee stated that **David** would be on hand to answer questions regarding the roads for this subdivision.

Ben stated that there are no stop signs at the intersections of Upper Woodchuck with Eight Mile Creek Road and Eight Mile Creek Road with Eastside Highway.

David said Upper Woodchuck Road is a low volume road and is a low priority. Future lot owners will buy a lot and expect service right away which is not going to happen.

Chip said that according to the 7 year plan, no improvements to Eight Mile Creek Road are planned until 2012-2014. If the applicants contribute pro-rata for Eight Mile Creek Road, the money will not be spent until 2014.

David answered that it would not benefit the greater public right now.

Jason voiced concern stating that future lot owners will be upset if the variance is denied and Upper Woodchuck Road is not improved.

David restated that he is not against Variance 2, but Variances 1 & 2 are separate. The improvements proposed to Upper Woodchuck Road will be a direct benefit to the applicant. The public has an expectation that the applicant will contribute to improvements to Eight Mile Creek Road. This can be accomplished through pro-rata.

Bob stated that the proposed park has slopes of 25% and a ditch. This is not ideal for recreation. The Parks Board would rather see cash.

Phil asked John Vore if he agreed with staff's recommendation regarding wildlife.

John Vore answered that is in the spirit of the letter that was just sent to the applicant. Fish, Wildlife and Parks agrees with staff.

Les asked that if Variance #1 is denied and the applicant only improves the first 1700 feet of Upper Woodchuck Road, would the fire department still be ok with that?

Jason said that the essential improvements are the slope; so the fire department would most likely be fine with it.

Chip referred to a condition in the staff report that restricts fencing on Lot 20. He asked John Vore if that was a Fish, Wildlife and Parks recommendation.

John said he did not think that it came from Fish, Wildlife and Parks.

- (v) Board deliberation on Variance Request #1 (To allow the applicant to chip seal a portion of Upper Woodchuck Road in lieu of paying a pro-rata share on the cost to improve Eight Mile Creek Road)

- (a) Board discussion and questions

Les made the motion to approve Variance #1 based on findings that the applicant pay 125% or one and a half times the total pro-rata and the applicant's findings.

Phil seconded the motion.

- (b) Board Action

The vote was called; the members voted (8 – 0) to conditionally approve Variance Request #1 based on applicant's findings and proposed improvements. (See Attachment D, Saddle Hills Variance 1 Vote Sheet)

- (vi) Board deliberation on Variance #2 (To allow the applicant to chip seal a portion of Upper Woodchuck Road in lieu of paying a pro-rata share on the cost to improve Upper Woodchuck Road)

(a) Board Discussion and Questions

Dan made a motion to approve Variance #2.

JR seconded the motion stating that it is in the best interest of the county to approve both variances rather than to approve one and deny the other.

(b) Board Action

The vote was called; the members voted (8 – 0) to approve Variance Request #2 on the conditions that the applicant improve Upper Woodchuck Rd. and install appropriate traffic control signs, as approved by the Road Department. (See Attachment E, Saddle Hills Variance 2 Vote Sheet)

(vii) Board Deliberation on the Subdivision Proposal

(a) Board Discussion and Questions

Ben made a motion to approve the subdivision based on the staff report modifying the covenants on the development restriction for Lot 20 to allow for wildlife friendly fencing, and adding the language that pending future zoning Lot 20 shall not be further divided.

Les seconded the motion.

(b) Board Action

(1) The Board did not review the Six Criteria beyond their discussion and the findings of fact and conclusions of law on the subdivision proposal in the Staff Report.

(2) The vote was called; the members voted (4 – 4) tie, the motion failed. (See Attachment F, Saddle Hills Subdivision Vote Sheet)

Dan asked to be excused because of time.

Lee stated a few concerns that he had. First of all this is going to take away from the scenic view of that area. Right now you look over and see the beautiful mountain side. With all these subdivisions going up it is totally taking away from the beauty of the valley. Also, he is concerned about noxious weeds and other issues that may arise because of irrigation. And last he wonders about the emergency vehicle access. Even with the improvements that the applicant is talking about it is still worrisome. Not only the access on the road but also the response time. He just is not sure that this property is accessible and safe. This summer is a prime example with all the fires.

Mary Lee stated that she is not comfortable with the distance from emergency services either.

(3) Review of the Subdivision Proposal against the Six Criteria

1. Effects on Agriculture, including effects on the agricultural sector, loss of agricultural ground and effects on surrounding agricultural activities or practices.

Seven Board Members voted significant, no Board Members voted non-significant.

2. Effects on Agricultural water-user facilities.

Seven Board Members voted significant, no Board Members voted non-significant.

3. Effects on local services, including public road system, police and fire protection, utilities and public schools.

Three Board Members voted significant, four Board Members voted non-significant.

4. Effects on local services, including public road system, police and fire protection, utilities and public schools

Two Board Members voted significant, five Board Members voted non-significant.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals.

Three Board Members voted significant, four Board Members voted non-significant.

6. Effects on public health and safety, including sanitary issues such as sewage disposal and ground water contamination, police and fire protection, wildland fire hazard, traffic safety and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, railroads, overhead power lines, industrial activities, mining activities, irrigation ditches and defined dam inundation areas.

Four Board Members voted significant, three Board Members voted non-significant.

(See Attachment G, Saddle Hills Six Criteria Review)

Lee made a motion to deny the subdivision based on the negative impacts on scenic vistas, and the emergency response times.

Phil seconded the motion.

The vote was called; the Board Members voted (4 – 3) to deny the subdivision.
(See Attachment H, Saddle Hills Subdivision Vote Sheet)

- **Lee** is concerned about the scenic view and weed issues that may arise because of irrigation.
- Concern for emergency vehicle access /response times and man made hazards such as fire.

(C) Hamilton Heights, Block 13, Lots A-D, AP (Powell) Major Subdivision – **POSTPONED** -

8. Communications from Staff

- (A) Nuts & Bolts Meetings
- (B) Fair booth for Countywide Zoning Project at the fair August 29 – September 1

9. Communications from Public

10. Communications from Board

- (A) Subcommittee for Annual Report

This was a question that was proposed by **Phil** and he had already left the meeting at this point. This will be addressed at the next meeting.

11. New Business

There was none.

12. Old Business

There was none.

13. Special Meeting Reminder: August 16, 2007 at 3:00 PM

- (A) Countywide Zoning Nuts & Bolts Presentation for BCC and Planning Board

14. Next Regularly Scheduled Meeting: September 5, 2007 at 7:00 PM

- (A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request – Public Hearing Continuation

15. Adjournment